





## NOW READY.

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## BIRTH.

At Canton, on 13th instant, Mrs. SIDNEY DIXON, of a daughter.

The office of the Daily Press from this office on Thursday morning at 9.25, and the last date when the office at 10.15.

## The Daily Press

HONGKONG, APRIL 14th, 1871.

The upshot of the case with reference to Messrs. KIMBERN, BAKER & Co's Comptroller, will probably be considered on the whole fairly to meet the merits of the case. While WONG ARK was punished for having fraudulently converted the proceeds of the goods which he pledged to his own use, the sentence has at the same time been made as lenient as was consistent with the vindication of the law. We need scarcely say that we have very little sympathy as a rule with native delinquencies of this nature; but it cannot be disguised that an amount of temptation which might really be considered almost impossible to resist was thrown in WONG ARK's way. Not only in the position merely of a Comptroller, but in reality in that of a partner, or at least of a confidential general agent of the firm. Very large discretion was left in his hands as to the conduct of the business, and it appears that the duty was delegated to him of raising money upon goods which had been sold but not cleared, in the name of the purchaser who had bought them. Being pressed for money in consequence of some of his speculations failing, he conceived the idea of pledging other goods in the gold, with regard to which he had not received instructions from the firm. His intention was apparently to pay the amount back; but, as usually happens in such cases, he was unable to do so, and was compelled at last to make a clean breast of the matter to Mr. KIMBERN. It is easily understood that that gentleman could hardly hesitate as to the course he was compelled to adopt. Properly entrusted to the firm had been made away with, and his duty to his constituents as well as to the public, rendered it clear that he was called upon to take action in the matter. WONG ARK was accordingly arraigned before the Supreme Court, and being found guilty of fraudulent conversion, was sentenced to six months' imprisonment. Virtually nine months, as he had been already three months in the goal.

The main features of the case are already familiar to the public. The defence made by Mr. HAVARD was one of a very forcible nature, the accused being shown to be virtually a partner in the concern. It would not have been surprising if this defence had been sufficient to obtain the prisoner's discharge; but probably the fact that he himself seemed to admit, to his employer, the wrongfulness of his action, influenced the opinion of the Jury towards the conclusion to which they came, and which it cannot be denied was in accordance with the broad merits of the case. The Chief Justice, in delivering sentence, took very commendable care to point out that, though from the peculiar circumstances of this case, a light sentence only was passed, Comptrollers must not consider it a precedent and conclude that they will not be punished for converting the goods in their employers' hands to their own use. Had WONG ARK been a Comptroller pure and simple and not mixed up with the transactions of the firm, there can be no question that the sentence would have been of a very different nature, but some excuse for the irregularity might be found in the peculiar position which the accused occupied, and which might lead him to the conclusion that, though he might not be acting altogether in good faith, he would yet not be guilty of more than a breach of confidence and could not be sued criminally. As a rule, we are informed, breaches of faith between partners cannot, as the law stands, be made the subject of criminal action, and steps are being taken at home for legislative action to enable them to be so treated. But even if there be new laws upon this point, it will always be extremely difficult to press home a charge when the Comptroller is in any other position than that of simple servant to the establishment.

Another lesson, besides that inculcated by the Chief Justice, is therefore obviously to be learned from the recent case—a lesson of caution, whenever arrangements are made for a quasi partnership with Comptrollers, and indeed wherever their powers are extended beyond that merely of cashiers to the house. It would perhaps be rather startling if it were shown in how many houses in China such is the case. It is not too much to say that in the large majority, the Comptroller is much more in practice than the simple paid servant which he is represented in theory. We are not insensible of the fact that this is a great measure a necessity resulting from the peculiar nature of the China trade; but there is on this account none the less, but rather the more reason, that the full nature of the liabilities under such an arrangement should be understood, and that the exercise of the utmost caution should be impressed upon those who place their native servants in a position of so much power and responsibility.

## COURT OF SUMMARY JURISDICTION.

BEFORE THE HON. JUSTICE BAILLIE.

CHUN ANGE v. J. CHUANG-BAI.—\$70.00.

His Honor gave judgment in this case for the defendant, who had satisfied him that a felony had been committed in his house, and that there was reasonable cause to suspect the plaintiff of having committed it. The defendant had not acted recklessly in giving the plaintiff \$70.00 to custody, because he acted in an honest way, and he was not entitled to sue in this Court for false imprisonment. There would be judgment for the defendant. The case was quite clear on the subject.

CHUNG ANGE AND ANOTHER v. H. B. BROTHERS.—\$200.00.—This was a claim for an illegal detainer for rent. Mr. Francis appeared for the plaintiffs, and Mr. Broderick for the defendant.

Mr. Francis said the distress was put in after sunset and before sunrise, which by the common law was illegal. It was put in at about seven o'clock.

Mr. Broderick said it was put in before sunset and after sunrise. To support the latter proposition he cited an Ordinance giving power to

constables to stop furniture, &c., detained upon after 8 p.m. and before 6 a.m. Hence he contended that the distress was legal before 8 o'clock, a deduction in which the learned Judge was unable to follow him.

One of the plaintiffs was called, and almost immediately he was asked to give evidence in support of the case.

Mr. Francis then asked leave to withdraw the case, and the Court was adjourned till the next day.

JOHN FRANK V. OLOON.—\$34.—This was a claim for damages for the loss of a horse, which was stolen from the plaintiff's stable.

The plaintiff, John Frank, was called, and gave evidence that he had a horse which was stolen from his stable on the 10th inst.

The defendant, John Oloon, was called, and gave evidence that he had a horse which was stolen from his stable on the 10th inst.

The Court found in favor of the plaintiff, and awarded him damages of \$34.

The Court also awarded costs to the plaintiff.

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## WARRIERS' PREPARATIONS IN CHINA.

(N. C. Daily News.)

China, which is the most powerful nation in the East, is now making preparations for war.

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## MR. GLADSTONE AND THE BLACK.

(Daily Mail, Feb. 14.)

When Mr. Gladstone stated that Lord Palmerston and Lord Clarendon attached no value to the neutrality of the Black Sea, it was a surprise to many of our readers.

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It was a surprise to many







